

Practitioner's Docket No. 2820/103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Edward Goodwin

Application No.: 10/777,621 Group Art Unit: Not Yet Assigned
Filed: February 12, 2004 Examiner: Not Yet Assigned
For: Washable Protective Pad

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant. (1) within three months of the filing date of a national application; (1) within three months of the date of entry of the national stage as set forth in § 1.491 in an International application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b)

CERTIFICATE of MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))


I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

- | | |
|--|---|
| <input checked="" type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 | <input type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office. |
|--|---|

Date: May 3, 2004



Signature
John L. Conway
(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office)

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosures statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Reg. No.: 48,241


Signature of Practitioner

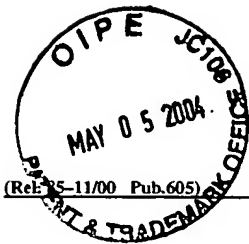
Tel. No.: 617/443-9292

John L. Conway

Customer No.: 002101

Bromberg & Sunstein LLP
125 Summer Street, Boston, MA 02110

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action)



(ReE 15-11/00 Pub.605)

FORM 6-1

6-17

Practitioner's Docket No. 2820/103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Edward Goodwin

Application No.: 10/777,621

Group Art Unit: Not Yet Assigned

Filed: February 12, 2004

Examiner: Not Yet Assigned

For: Washable Protective Pad

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

CERTIFICATE UNDER 37 C.F.R. § 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

☒ **37 C.F.R. § 1.8(a)**

37 C.F.R. § 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ **(mandatory)**

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: May 3, 2004

Signature

John L. Conway

(type or print name of person certifying)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
- (3) Before the mailing date of a first Office action on the merits; or
- (4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O. G. 13 -25 at 17.

WARNING: "No information disclosure statement maybe filed in a provisional application." 37 C.F.R. § 1.51(d).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard *unused* sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

NOTE: "Once the minimum requirements are met the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

(Information Disclosure Statement—Section 1. Preliminary Statements [6-1]--)



SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Edward Goodwin

Application No.: 10/777,621

Group Art Unit: Not Yet Assigned

Filed: February 12, 2004

Examiner: Not Yet Assigned

For: **Washable Protective Pad**

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION DISCLOSURE STATEMENT

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
AA	2,247,961	Mulvey	Jul-41	
AB	2,663,020	Cushman	Dec-53	
AC	2,889,830	Raymond	Jun-59	
AD	3,026,874	Stevens	Mar-62	
AE	3,185,362	Wakefield	May-65	
AF	3,334,626	Schimmel	Aug-67	
AG	3,435,946	Sobek et al	Apr-69	
AH	3,526,221	Garber	Sep-70	
AI	3,833,259	Pershing	Sep-74	
AJ	3,921,222	Hollman	Nov-75	
AK	3,990,440	Gaylord, Jr	Nov-76	
AL	4,067,063	Ettinger	Jan-78	
AM	4,151,613	Rhee	May-79	
AN	4,185,327	Markve	Jan-80	
AO	4,219,892	Rigdon	Sep-80	
AP	4,272,850	Rule	Jun-81	
AQ	4,292,263	Hanrahan et al	Sep-81	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
AR	4,354,280	Hayes	Oct-82	
AS	4,370,754	Donzis	Feb-83	
AT	4,454,869	Byler	Jun-84	
AU	4,486,901	Donzis	Dec-84	
AV	4,547,919	Wang	Oct-85	
AW	4,566,137	Gooding	Jan-86	
AX	4,573,216	Wortberg	Mar-86	
AY	4,641,641	Strock	Feb-87	
AZ	4,642,814	Godfrey	Feb-87	
BA	4,657,003	Wirtz	Apr-87	
BB	4,700,403	Vacanti	Oct-87	
BC	4,737,994	Galton	Apr-88	
BD	4,761,834	Kolb	Aug-88	
BE	4,807,301	Ferber	Feb-89	
BF	4,848,367	Bosman	Jul-89	
BG	4,892,551	Haber	Jan-90	
BH	4,926,503	Wingo, Jr	May-90	
BI	4,926,883	Strock	May-90	
BJ	4,985,931	Wingo, Jr	Jan-91	
BK	5,007,111	Adams	Apr-91	
BL	5,030,501	Colvin et al	Jul-91	
BM	5,034,998	Kolsky	Jul-91	
BN	5,054,121	Mitchell	Oct-91	
BO	5,062,433	Kummer	Nov-91	
BP	5,098,124	Breed et al	Mar-92	
BQ	5,105,473	Valtakari	Apr-92	
BR	5,150,767	Miller	Sep-92	
BS	5,157,789	Klass	Oct-92	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
BT	5,161,257	Arendsdorf et al	Nov-92	
BU	5,218,720	Tolton	Jun-93	
BV	5,230,947	Ou	Jul-93	
BW	5,252,373	Ganske et al	Oct-93	
BX	5,257,418	Jaskiewicz	Nov-93	
BY	5,274,846	Kolsky	Jan-94	
BZ	5,337,418	Kato et al	Aug-94	
CA	5,361,410	Sigl	Nov-94	
CB	5,383,920	Sikes	Jan-95	
CC	5,426,786	Calvin	Jun-95	
CD	5,437,618	Sikes	Aug-95	
CE	5,557,804	Ovortrup et al	Sep-96	
CF	5,584,072	Kim et al	Dec-96	
CG	5,599,290	Hayes et al	Feb-97	
CH	5,604,021	Wagner	Feb-97	
CI	5,636,377	Weiner	Jun-97	
CJ	5,717,997	Garcia	Feb-98	
CK	5,722,093	Andresen	Mar-98	
CL	5,836,015	Kristensen et al	Nov-98	
CM	5,881,395	Donzis	Mar-99	
CN	5,918,310	Farahany	Jul-99	
CO	6,009,565	Carrington	Jan-00	
CP	6,093,468	Toms et al	Jul-00	
CQ	6,122,785	Bondie	Sep-00	
CR	6,175,967	Donzis	Jan-01	
CS	6,195,809	Garcia	Mar-01	
CT	6,334,443	Olsen	Jan-02	
CU	RE37705	Donzis	May-02	

Ref. No.	U.S. Patent No.	Inventor	Issue Date	Exam. Init.
CV	6,408,446	Carrington	Jun-02	
CW	6,425,195	Donzis	Jul-02	
CX	6,519,780	Goodwin	Feb-03	
CY	6,588,038	Bondie	Jul-03	
DB	4,513,449	Donzis	4.30.85	
DC	5,635,215	DeBaene	6.3.97	
DD	5,920,902	Crampton	7.13.99	
DE	6,301,722	Nickerson et al.	10.16.2001	

Other Documents

Examiner Initials	Reference Number	Author	Date	Title
	CZ	Gross G, Chen T, Flaherty C	October 30, 2000	Hip Pads: Effective Fracture Intervention. <i>Advance for Physical Therapists</i> (Vol. 11, Number 22, pp 45-46)
	DA	Burl JB, Centola J, Bonner A, Burque C	Sept/Oct 2003	Hip protector compliance: a 13-month study on factors and cost in a long-term care facility. <i>Journal of the American Medical Directors Association</i> . 2003;4(5):245-250

Examiner Signature: _____

Date Considered: _____

NOTE FOR EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance AND not considered. Include copy of this form with next communication to applicant.



Section 4. Identification of Prior Application in Which Listed Information Was Already Cited

NOTE: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. § 1.98(d).

WARNING: "This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38)

WARNING: "Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37)

WARNING: While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

(complete the following, if applicable)

This application relies, under 35 U.S.C. 120, on the earlier filing date of U.S. application ser.no. 10/685,647, filed on October 15, 2003, entitled "Washable Protective Pad," attorney docket 2820/101, and on U.S. application ser. no. 10/273,985, filed on October 18, 2002, entitled "Washable, Protective Hip Pad Construction.

All references listed in sec. 2 were submitted to, and /or cited by, the Office in the prior applications and, therefore, are not required to be provided in this application.

(Information Disclosure Statement-Section 4. Identification of Prior Application in Which Listed Information Was Already Submitted and for Which No Copies Are Submitted or Need Be Submitted Statement [6-1]-)

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. § 198(a)(2) requires that any information disclosure statement filed under § 1.97 shall include:

"A legible copy of.:

- (i) Each U.S. patent application publication and U.S. and foreign patent;*
- (ii) Each publication or that portion which caused it to be listed,*
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion. . .*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

Exception(s) to above:

US patent application publications and U.S. patents.

Note: the Patent and Trademark Office has waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003

Items in prior applications, from which an earlier filing date is claimed for this application, as identified in Section 4.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type or print name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type or print name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☐ supplied by the inventor(s).
- ☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
- ☒ in the practitioner's file.

Reg. No.: 48,241

Tel. No.: 617/443-9292

Customer No.: 002101



SIGNATURE OF PRACTITIONER

John L. Conway
(type or print name of person certifying)
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

(Information Disclosure Statement-Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]-

02820/00103 291633.1